



Docket No. ETH-5113

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Nicholas Popadiuk et al.

Filed : November 26, 2003

Serial No. : 10/723,720

For : PROSTHETIC REPAIR DEVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

February 3, 2004

(Date of Deposit)

Blossom E. Loo

(Name of applicant, assignee, or Registered Representative)

Blossom E. Loo

(Signature)

February 3, 2004

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, additional information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b). The original Information Disclosure Statement was filed on November 26, 2003.

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e)  
(attached); or

☐ Please charge Deposit Account No. 10-  
0750/ / the fee of \$180.00 as set forth  
in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☐ There are no listed references which are not in the English language.

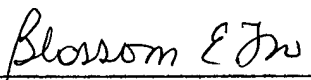
☒ The relevance of those listed references which are not in the English language is as follows: EP1 038 508, DE 199 12 648.

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

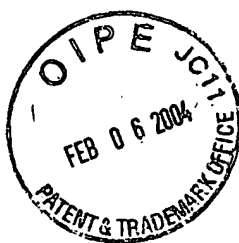
☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH5113/BEL. This form is submitted in triplicate.

Respectfully submitted,

  
Blossom E. Loo  
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Attorney for Applicants

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DATED: February 3, 2004



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Application Number	10/723,720
Filing Date	November 26, 2003
First Named Inventor	Nicholas Popadiuk
Group Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	ETH-5113

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		5092884		Devereux et al.	03/03/1992	
		5254133		Seid	10/19/1993	
		5578046		Liu et al.	11/26/1996	
		5626611		Liu et al.	05/06/1997	
		5634944		The Nemours Foundation	06/03/1997	
		6093200		Liu et al.	07/25/2000	
		2002/0131933	A1	Delmotte	10/19/2002	

## FOREIGN PATENT DOCUMENTS

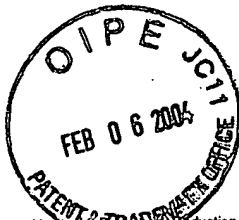
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		EP	0 668 083	A1	United States Surgical Corp.	08/23/1995		
		EP	1 038508	A1	Aesculap AG & Co.	03/16/2000		X
		DE	19912 648	A1	Aesculap AG & Co.	03/20/1999		
		CAN	2114282	A1	Schilder, Lothar	01/28/1994		X
		EP	0334046	B1	American Cyanamid Co.	09/27/1989		
		EP	0705878	A2	Genzyme Corporation	04/10/1996		
		WO	00/16822	A1	The Brigham and Women's Hospital	03/30/2000		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary) <b>Sheet 2 of 2</b>	<b>Application Number</b>	10/723,720
	<b>Filing Date</b>	November 26, 2003
	<b>First Named Inventor</b>	Nicholas Popadiuk
	<b>Group Art Unit</b>	N/A
	<b>Examiner Name</b>	N/A
	<b>Attorney Docket Number</b>	ETH-5113

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		READ, RAYMOND C., "Preperitoneal Prosthetic Inguinal Herniorrhaphy Without a Relaxing Incision", The American Journal of Surgery, Volume 132, December 1976, pp. 749-752	
		DEITL, MERVYN and VASIC, VLADIMIR, "A Secure Method of Repair of Large Ventral Hernias With Marlex Mesh to Eliminate Tension", The American Journal of Surgery, Volume 137, February 1979, pp. 276-277	
		ELLIOTT, MARTIN P and JULER, GEORGE L. "Comparison of Marlex Mesh and Microporous Teflon Sheets When Used for Hernia Repair in the Experimental Animal", The American Journal of Surgery, Volume 137, March 1979, pp. 342-344	
		CROCE, EDMUND J. and MEHTA, VIJAY, "Intercostal Pleuroperitoneal Hernia", Worcester City Hospital, 1979, pp. 856-857	
		BROWSE, NORMAN and HURST, PAUL, "Repair of Long, Large Midline Incisional Hernias Using Reflected Flaps of Anterior Rectus Sheath Reinforced With Marlex Mesh", The American Journal of Surgery, Volume 138, November 1979, pp. 738-739	
		USHER, FRANCIS C., "New Technique for Repairing Incisional Hernias With Marlex Mesh", The American Journal of Surgery, Volume 138, November 1979, pp. 740-741	
		READ, RAMOND C., "Bilaterality and the Prosthetic Repair of Large Recurrent Inguinal Hernias", The American Journal of Surgery, Volume 138, December 1979, pp. 788-793	
		STONE, H. HARLAN, "Immediate Permanent Fascial Prosthesis for Gastroschisis and Massive Omphalocele", Surgery, Gynecology Obstetrics, August 1981, pp. 221-224	
		USHER, FRANCIS C., "Technique for Repairing Inguinal Hernias With Marlex Mesh", The American Journal of Surgery, Volume 143, March 1982, pp. 382-384	
		MC CARTHY, JACK D., and TWIEST, MELVIN W., "Intraperitoneal Polypropylene Mesh Support of Incisional Herniorrhaphy", The American Journal of Surgery, Volume 142, December 1981, pp. 707-711	
		CADY, BLAKE and BROOKE-COWDEN, GEOFFREY L. "Repair of Massive Abdominal Wall Defects, Surgical Clinics of North America, Volume 56, June 1965, pp. 559-570	
		NAIM, JOHN O., et al. "Reduction of Postoperative Adhesions to Marlex Mesh Using Experimental Adhesion Barriers in Rats", Journal of Laparoendoscopic Surgery, Volume 3, 1993, pp. 187-190	
		SOISSON, ANDREW PATRICK, et al., "Oxidized Cellulose as an Adjunct to Permanent Mesh in the Repair of Large Incisional Hernias", Journal of Gynecologic Surgery, Volume 11, 1995, pp. 173-176	
		ALPONAT, AHMET, et al., "Effect of Physican Barriers in Preventin of Adhesions: An Incisional Hernia Model in Rats", Journal of Surgical Research, 1997, pp. 126-132	

Examiner Signature		Date Considered	
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